HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO. 21637 OF 2005

Dated 06-10-2005

Between :

K. Galaiah, son of Venkataratnam, aged about 40 years, resident if Nizampatnam, Ex. watchman, worked under Mandal Development Officer, Nagaram, Nagaram Mandal, Gulntur District.

…….Petitioner.

And:

1. The State of Andhra Pradesh, represented by its District Collector, Guntur District, Guntur and another.

…….Respondents.

ORDER : (Per the Honourable Smt. Justice T. Meena Kumari)

This writ petition has been filed against the order passed in O.A. No. 83126 of 1990, on 17-08-2005 by the A.,P. Administrative Tribunal, Hyderabad, by which the O.A. was dismissed with the observations mentioned therein.

The writ petitioner is the applicant. The parties will be referred to as arrayed before the Tribunal for the sake of convenience.

Originally, the applicant filed an application under Section 19 of the Administrative Tribunals Act, 1985 in O.A. No. 83126 of 1990 seeking to direct the

respondents to absorb him on the basis as Gardener or watchman, to quash the orders of the 2nd respondent dated 03-02-1988, to declare that the 2nd respondent is bound to follow his own orders issued in Rc.No.666/85/A1, dated 02-07-1987 and to direct the respondent to pay the applicant daily wage at Rs.19/- as per the orders of the 1st respondent. The Tribunal having observed that the applicant has miserably failed to demonstrate before the Tribunal that similarly situated persons were absorbed and further, has not produced before the Tribunal the regular appointment order passed by the competent authority in his favour, dismissed the O.A. Aggrieved by the same, the present writ petition has been filed by the applicant.

Heard both sides. We have perused the material available on record.

The facts leadings to file the writ petition, are that the applicant who was appointed as Sevak and worked under Cinema Operator from 01-09-1970 to 16-11-1970, and thereafter, he was transferred to work as Night Watchman of the B.C., Workshop w. e. f. 17-1-1970, and accordingly he worked as Night Watchman till 12-2-1971 and subsequently, he was ousted from service on 13-2-1971. Again, he was appointed as Sevak and he worked till 12-4-1972. Therefore, he has put in 10 months of service as Sevak and Watchman.

It is the case of the applicant that he was appointed as Gardner w. e. f. 8-4-1985 by the President of Pallapatla Panchayat Samithi. It is an admitted fact that he was engaged as NMR on daily wage basis to watch the godown building and other materials of the erstwhile Panchayat Samithi of Pallapatla and the said office was shifted from that village on 14-1-1987. He was appointed on 14-1-1987, the date on which the office was shifted from Pallapatla to Nagaram and therefore, he is entitled for regularization of his services.

We have perused the order impugned.

The applicant was appointed for a limited and specific purpose, only to look after the material left in the office of the Panchayat Samithi at Pallapatla and therefore, he cannot claim regularization of his service as rightly observed by the Tribunal. Apart from that, no material has also been placed before the Court that similarly situated persons were absorbed and there is no such regular appointment order placed before the Court as rightly observed by the tribunal.

In this background of the matter, We feel that the order of the tribunal, which is

clear, cogent and convincing, does not warrant any interference by this Court and We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed, at the admission stage. No costs.

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Justice T. MEENA KUMARI

Date : 06-10-2005

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Justice P. LAKSHMANA REDDY

Dvs/Gurc

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO. 21637 OF 2005

(Order delivered by the Honourable

Smt. Justice T. Meena Kumari)

Dated 06-10-2005